



Robert J. Rapp
23333 Ridge Route Dr. #126
Lake Forest Ca. 92630
Customer #41400

Commissioner for Patents
USPTO
PO Box 1450
Alexandria Va. 22313-1450

This correspondence is in response to a USPTO Office Action regarding patent application 11/986,336 applicant Robert J. Rapp, Customer #41400; examiner Truc T. T. Nguyen, Art Unit 2833. The USPTO Office Action is postmarked 5/29/ 2008; Included in this correspondence is a statement 37 CFR 3.73(b), a PTO/SB/25 Terminal Disclaimer form, (each signed by Robert J. Rapp, the owner of the patent), and fee as require by 37 CFG 1.20(d) (a check is attached). Applicant claims small entity status.

In the Office Action claims in patent application 11/986,336 were rejected based on non-statutory obviousness-type double patenting findings by the examiner.

Under Detailed Action Item 1 in the Office Action, the examiner states: "A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 37 CFR 1.321 (d) may be used to overcome a actual or provisional rejection based on a non-statutory double patenting ground provided the confliction application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement."

Under Detailed Action Item 2 in the Office Action, the examiner states: "Claims 1-18 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being un-patentable over claims 13-14 and 17-18 of co-pending Application No. 10/03,626. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented."

Statement as required by 37 CFR 3.73(b):

Applicant states that patent application 11/986,336 and 10/803,626 are commonly owned and invented by the same individual, Robert J. Rapp, USPTO customer #41400; both applications were filed by Robert J. Rapp, and have not been sold or assigned to another entity; Robert J. Rapp owns 100% of patent applications 11/986,336 and 10/803,626. Applicant is filing a Terminal Disclaimer in accordance with 37 CFG 1.321(c) to overcome the rejection made by the examiner. This Terminal Disclaimer limits any patent granted on patent application 11/986,336 to the term of a patent granted from reference application 10/803,626.

Thank You,

Robert J. Rapp 7/4/2008

Robert J. Rapp